REMARKS

This Amendment is in response to the Office Action dated August 2, 2010. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. CLAIM REJECTIONS – 35 USC § 103 BASED ON SCHEIN AND YAMASHITA

Claims 1, 24-46, 56-78, 88-110, 120-128, 161 and 162 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, U.S. Patent No. 6,412,110 in view of Yamashita, U.S. Patent No. 7,501,353.

A. **Schein**

1. Current Office Action Contradicts Previous Office Action

In the current Office Action, the Examiner states,

> Regarding claim 1, Schein discloses an electronic program guide system comprising (fig. 1):
>
> A program grid including a plurality of cells, wherein each of said cells contains program information (fig. 1 (199)); and
>
> **A visual indicator of an active point in time disposed within said program grid (fig. 1(199))** . . .
>
> Wherein **a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator** (fig. 1(199) *the timeline is* a *dotted line).* **wherein said visual indicator is moveable relative to the axis** (col. 4 lines 7-21). (Emphasis added)

In the previous Office Action dated July 6, 2009, the Examiner states, also referring to the same timeline 199:

> However, Schein **does not** specifically **disclose** wherein a portion of a visual indicator specifying said active cell is **visually different** from another portion of said visual indicator and wherein said visual indicator **is movable** along an axis **upon a user input request**.

The present Office Action therefore contradicts the Examiner's previous interpretation of Schein's timeline 199.

2. Schein's Timeline 199 (Fig. 1) is Not Movable per Applicant's Claim 1 - And Such Movement Would Destroy the Functionality of Schein

Applicant's claim 1 requires,

"said program grid including an axis representing time;"
"said visual indicator is movable relative to the axis in response to user commands"

Schein states,

As shown in FIG. 1, the current time is represented by the location of the time line 199 with respect to the start times of the programs.

Time line 199 merely represents the current time. Nowhere does Schein disclose or suggest that time line 199 is movable (relative to an axis representing time) in response to user commands.

If timeline 199 were movable relative to the axis representing time, then its location would fail to represent the "current time"!

No person of ordinary skill in the art would interpret timeline 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

3. Schein's Timeline 199 (Fig. 1) Does Not Have a Portion Specifying an Active Cell AND/OR That is Visually Different per Applicant's Claim 1

The Examiner states, ""fig. 1 (199) *the timeline is a dotted line).*"

Looking at FIG. 1 in Schein, the timeline 199 is a vertical dotted line. The entire timeline 199 is dotted.

Timeline 199 does not have a portion specifying an "active cell", as required by claim 1.

Further, since the entire timeline 199 is dotted, timeline 199 does not have a portion specifying the active cell, which is visually different from another portion of said visual indicator, as required by claim 1. Rather, the timeline 199 is dotted across all cells (active or not) positioned at the current time.

If the Examiner intended to refer to the solid portions of dotted timeline 199 versus the empty portions of the timeline, then this characteristic (dotted portion versus empty portion) would fail to indicate an active cell. And, the pattern of the timeline at which it crosses the active cell is the same as the pattern as other portions of the timeline.

Thus, timeline 199 fails to anticipate the visual indicator recited in claim 1.

4. Examiner's Citation to Schein Col. 4, lines 7-21 Fails to Support Rejection

On page 3, lines 1-3 of the current Office Action, the Examiner cites Schein, col. 4, lines 7-21 as supporting the notion that timeline 199 is movable relative to the time axis:

> FIG. 1 illustrates a program guide 102 for the television schedule system of the present invention. The program guide 102, which is the primary mode in the television schedule system, includes a number of screen information areas or windows in a particular screen where the viewer operates an input device, such as a pointer device described above, to move around vertically and horizontally and to interact with that screen area's function. Preferably, the currently active screen area will be indicated to the viewer, for example, by changing the background color from a light greyscale metallic to a brighter, active color. Within each screen area are one or more items, typically arranged in a matrix or grid so that the viewer can scroll through the grid. The items can be selected or activated with the input device.
>
> As shown in FIG. 1, program guide 102 preferably includes a schedule information area 106 having a program matrix 108 of cells or items that depict the shows that are being presented on each channel at each time during the day. Program guide 102 conveniently lists the channels in a vertical column to the left of the program matrix 108 and the times in a horizontal row above matrix 108. The viewer selects an area by moving a pointer 110 over the area associated with a desired action. When the pointer 110 is moved over an area, the item may be automatically highlighted with a brighter color to indicate the viewer's location.

But the movement referred to in this section is movement of the mouse pointer 110, or scrolling through the grid. In any case, the timeline 199 does not move relative to the time axis.

5. Schein's Pointer 110

As a reminder from Applicant's previous responses, the pointer 110 also cannot be interpreted to anticipate or render obvious the claimed "visual indicator".

The pointer 110 is movable but lacks the following features of Applicant's claim 1:

> a position corresponding to a single point in time of an active cell within the grid (since Schein's entire active cell is highlighted when the user moves the pointer over the area associated with the cell, the pointer corresponds to a graphical area having a time duration) (See, Col. 4, lines 27-32);
> a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (Schein states in col. 4, lines 27-32 that "the item" may be highlighted, but does not teach or suggest, for example, that a portion of the pointer may be highlighted relative to another portion of the pointer); and
> each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.

Thus, Schein's mouse pointer cannot be interpreted as corresponding to Applicant's claimed "visual indicator".

B. **Yamashita**

The Office Action acknowledges,

> Schein does not disclose in response to user commands, and each up , down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible. (Emphasis added).

But the Office Action suggests Yamashita discloses such movement in col. 6, lines 27-38 and concludes "it would have been obvious to one of ordinary skill in the art . . . to combine the scrollable grid of Yamashita into the EPG of Schein."

But Yamashita fails to disclose a visual indicator as recited in Applicant's claim 1, so Yamashita provides the skilled person with no guidance as to how a visual indicator should move or how a timeline such as Schein's could be modified.

The Applicant assumes the Examiner considers it obvious to modify the timeline 199 of Schein such that each up, down, left or right user command causes the visual indicator (alleged timeline 199) to move to and activate a different cell within the grid that is adjacent to the currently active cell.

As described above, Schein's timeline 199 is NOT movable relative to an axis that represents time in response to user commands (including up, down, left or right user commands). Time line 199 merely represents the current time. If timeline 199 were movable relative to the axis representing time, in response to user commands, then its location would fail to represent the "current time".

No person of ordinary skill in the art would interpret timeline 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led by Yamashita to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

Even if Schein were modified according to Yamashita, such a modification would not involve movement of Schein's timeline 199 to act as a visual indicator as recited in Applicant's claim 1. Rather, the resulting combination would incorporate movement of a cursor according to Yamashita, using cursor movement keys 12U, 12D, 12L and 12R. And such a cursor would not satisfy the characteristics of Applicant's claimed visual indicator.

Accordingly Applicant respectfully requests that the rejection of claim 1 (and similarly independent claims 33, 65 and 97) under §103(a) based on Schein and Yamashita be withdrawn.

C. **Dependent Claims**

The Office Action suggests incorrectly that Schein's timeline 199 anticipates specific characteristics and/or movements recited in various dependent claims. For example, Applicant notes the characteristics and/or movements recited in claims 4, 6, 9, 24-32 cannot possibly read on Schein's timeline 199.

For example, how can timeline 199 indicate "one active cell" (claim 4) or move up (claim 24)?

Further, regarding claim 4, the Office Action refers to Schein's "mouse pointer" when the rejection of claim 1 is based on the timeline 199, not the mouse pointer.

The rejection of at least these claims (for example) is inconsistent with the basis for the rejection of claim 1.

II. CLAIM REJECTIONS – 35 USC § 103 BASED ON SCHEIN, YAMASHITA AND BROADUS

Claims 15-23, 47-55, 79-87 and 111-119 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, U.S. Patent No. 6,412,110 in view of Yamashita, U.S. Patent No. 7,051,353 in view of Broadus, U.S. Publication No. 2002/0144264.

Broadus discloses in FIG. 5 a visual indication of a completion status 514. Broadus states, "a separate visual indication 514 of the completion status of the media program may be displayed, either on the element 506, itself, or at another suitable location within the EPG 408. The visual indication 514 may be embodied in various forms, such as a ratio bar graph (as shown in FIG. 5), a pie chart, or other similar indicator." [0070]

Broadus also explain that, "The elapsed and remaining portions 507, 509 may be distinguished by color, pattern, or another suitable visual distinction. For example, in one embodiment, the elapsed portion 507 may be indicated by the color red, which is commonly associated with completion, termination, or the like. Thus, if the user perceives the visual indication 514 to be almost entirely red, he or she will know that the program is almost

completed." [0077] Further, Broadus' completion line 508 does not appear to meet the elements of Applicant's claims.

For example, Broadus does not disclose alone or in combination with Schein or Yamashita, said visual indicator including a position corresponding to a single point in time of an active cell within said grid, wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, in the context of the other elements of claims 1 and 33, for example. Broadus also does not disclose or suggest such movement of the visual indicator, wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible in the context of the other elements of Applicant's independent claims 1 and 33, for example.

Broadus also does not disclose alone or in combination with Schein the elements of independent claims 65 and 97.

III. CONCLUSION

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which Applicants' attorney chooses to mention at this time. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinction between Applicants' invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction

between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

Finally, any statements/disclaimers that may have occurred previously during the prosecution of the afore-mentioned application is hereby expressly rescinded. Without limitation, this rescission includes any disclaimers made to avoid any prior art, and accordingly, such prior art may need to be revisited. For example, any statements made regarding elements that are no longer present in a particular claim are rescinded, and the scope of these claims may need further review in view of the prior art.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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